

REMARKS

Claims 1, 11, 25, 34, 41, and 55 are currently amended. Claims 1-3, 5-13, 15-37, and 39-57 remain in the application for consideration. In view of the following remarks, Applicant respectfully requests withdrawal of the rejections and forwarding of the application on to issuance.

§ 103 Rejections

Claims 1-30 and 32-57 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,177,931 to Alexander et al. (hereinafter "Alexander") in view of U.S. Patent No. 6,088,722 to Herz et al. (hereinafter "Herz").

Claim 31 stands rejected under 35 U.S.C. § 103(a) as being obvious over Alexander in view of Herz, and further in view of U.S. Patent No. 5,561,457 to Cragun et al. (hereinafter "Cragun").

Before discussing the substance of the Office's rejections, the following discussion of Applicant's disclosure as well as the references to Alexander, Herz, and Cragun is provided in an attempt to assist the Office in appreciating the patentable distinctions between Applicant's claimed subject matter and the cited references.

Applicant's Disclosure

Applicant's disclosure describes various viewing management methods and systems for managing viewing of multiple live electronic presentations. In one described embodiment, viewers are given an opportunity to register their preferences for viewing certain *events* that can

1 occur within a plurality of different electronic presentations. The selected
2 electronic presentations are simultaneously monitored, during their
3 broadcast, while a viewer might be watching only one of the electronic
4 presentations. When one or more of the viewer-defined *events* is detected,
5 the viewer is notified that the event is taking place.

6 Applicant's disclosure instructs, starting on page 8, line 17, that in
7 one embodiment, each viewer is given an opportunity to register with an
8 encoder/server 14 (Fig. 1) for notifications concerning multiple live
9 electronic broadcasts. Registration takes place in the form of a viewer
10 request that is formulated by the viewer and passed on to the
11 encoder/server.

12 Once the viewer requests are received by the encoder/server 14, it
13 creates entries in a database 18 that it manages. Each of the entries
14 corresponds to a particular viewer's choices. As the sources 16 broadcast
15 their particular presentations, *events are triggered* and sent by the sources
16 to the encoder/server 14. *These triggered events describe some current*
17 *aspect of the electronic presentation.* For example, if Tiger Woods is
18 getting ready to tee off on the 16th hole, the *event* that might be triggered
19 by the source and sent to the encoder/server 14 might be "Woods tee off on
20 16th". Once the encoder/server receives the triggered *event*, it conducts a
21 search of the database 18 to identify all of the viewers that have registered
22 for notification. Once the viewers are identified, individual notifications
23 are sent from the encoder/server 14 to the client viewing devices 12.

24 Consider now an exemplary database that facilitates searching and
25 notification of viewers. Specifically, Fig. 6 of Applicant's disclosure

1 illustrates entries in an exemplary live content database, such as database
2 30 (Fig. 4) generally at 210. The live content database 210 maintains
3 current, up-to-the-minute information on electronic presentations that are
4 about to be or are being broadcast by various sources. The live content
5 information that is managed in this database can come from, or be
6 associated with many sources that are monitored by the server 14. In the
7 illustrated example, three fields are provided, i.e. a presentation field 212,
8 a topic field 214, and an events field 216.

9 The presentation field 212 includes the name or title of the current
10 electronic presentation or program that is being broadcast by a source. In
11 the illustrated example, there are a number of different presentations or
12 programs that are being monitored. As these programs are being
13 broadcast, information is regularly received by the server 14 or encoder.
14 *This information can describe what is taking place during the broadcast.*
15 This information is used to continuously update the database so that
16 viewer notifications can be sent in a timely manner.

17 The topic field 214 identifies the various topics that are currently
18 being presented for the various programs. These topics can, but need not
19 necessarily change during a particular program. In the illustrated example,
20 weather is currently being presented on CNN. Similarly, gorillas are
21 currently being discussed on National Geographic Explorer.

22 The events field 216 identifies the current *events* that are being
23 presented on the various programs. For example, the Hurricane Buster is
24 the current event within the weather topic on CNN. Similarly, on Monday
25

1 Night Football, it is currently 2nd down and the Steelers have the ball on
2 their 40 yard line.

3 The data or information in the topic field 214 and the events field
4 216 can be generated manually or automatically. Manual generation refers
5 to an individual (e.g., a presentation author) creating the data. For
6 example, the author may write a summary or a list of key words for the
7 presentation and provide them to server 14 (either directly or via an
8 encoder 26).

9 Automatic generation refers to one of the components, such as an
10 encoder 26 or server 14, using any of a variety of mechanisms to generate
11 data describing the presentation as the presentation occurs.

12 Notice that the data or information that appears in the topic and
13 events fields 214, 216 does not comprise the *actual content* that can be
14 presented to a viewer. Rather, it comprises data that *describes* content that
15 is currently being broadcast.

16 17 The Alexander Reference

18 Alexander discloses electronic program guide (EPG) methods and
19 systems that enable viewer interaction capabilities with the EPG. It
20 appears that much of the processing that takes place to identify programs
21 of interest for particular viewers concerns the programs' *titles*. These
22 program titles typically comprise content that is presented to the viewer.

23 For example, under the heading "Watch Scheduling Function"
24 (column 8, starting at line 5), Alexander instructs as follows. In the Watch
25 Scheduling Function, also referred to as the Watch Function, the viewer

1 instructs the EPG what programs to add to the Watch List, which is the *list*
2 *of programs* and related programming schedule information, for programs
3 that the viewer want to watch.

4 Alexander further instructs in column 9, starting at line 65 that the
5 EPG provides the viewer with the opportunity to select *program titles*,
6 scheduled for delivery at future times, to watch. By selecting *program*
7 *titles*, the viewer builds a "watch list."

8 In addition, as the Office notes, Alexander describes developing
9 viewer profile information. See, e.g. column 28, starting at line 12. The
10 viewer profile information is used to customize various aspects of the
11 EPG. For example, in column 30, starting at around line 45, Alexander
12 instructs that viewer profile information can be used to present, via the
13 EPG, the user's favorite channels or to tune the television to a particular
14 channel during a time period when the user typically views that channel.
15 Alexander further goes on to describe how the viewer profile information
16 can be used in connection displaying particular types of advertisements for
17 the user. See, e.g. column 31, lines 9-24.

18 19 The Herz Reference

20 Herz relates to a system and method for making available the video
21 programming and other data most desired by the customer by developing
22 an "agreement matrix" characterizing the attractiveness of each available
23 source of video programming or data to each customer. From the
24 agreement matrix, one or more "*virtual channels*" of data, customized to
25 each customer, are determined. At any given time, the one or more virtual

1 channels include the video programming or other data which is predicted
2 to be most desirable to the customer based on the customer's preferences.
3 The virtual channels are determined by selecting from the available
4 alternatives only those video programs or other data which most closely
5 match the customer's objective preferences.

6 7 The Cragun Reference

8 Cragun describes a television presentation and editing system that
9 uses closed captioning text to locate items of interest. Cragun instructs
10 that a closed captioning decoder extracts a closed captioning digital text
11 stream from a television signal. A viewer specifies one or more keywords
12 to be used as search parameters and a digital processor executing a control
13 program scans the closed captioning digital text stream for words or
14 phrases matching the search parameters. The corresponding segment of the
15 television broadcast may then be displayed, edited or saved.

16 Cragun instructs that the closed captioning information is typically
17 a simplified version of the spoken words being transmitted by the audio
18 portion of the video signal. See, e.g. column 2, lines 26-37. Closed
19 captioning information is typically scrolled or presented to the viewer
20 across the bottom of a television.

21 22 The Claims

23 **Claim 1** recites a viewing management method for managing
24 viewing of multiple live electronic presentations, comprising [added
25 language appears in the bold italics]:

- simultaneously monitoring two or more electronic presentations that are concurrently broadcast, wherein said monitoring comprises monitoring data that does not comprise content that can be presented to a viewer; and
- automatically switching between displays of the two or more electronic presentations based upon viewer-defined preferences, *wherein the viewer-defined preferences are defined in terms of events that can occur within electronic presentations.*

Claim 1 has been amended to include the subject matter of claim 4 which has been canceled. The amended language clarifies that viewer-defined preferences are defined in terms of *events* that can occur within electronic presentations.

In making out a rejection of claim 4, the subject matter of which is now included in claim 1, the Office cites Herz as disclosing viewer defined preferences that include attributes such as degree of sex, violence, and profanity (citing to column 11, lines 65-66). The Office then argues that this reads on the claimed preferences being defined in terms of events that can occur within electronic presentations.

The Applicant respectfully submits that an attribute as disclosed in Herz is not the same thing as an event as disclosed in the claimed subject matter. The Applicant's disclosure, as noted above, indicates that an *event* is some *current aspect of the electronic presentation*. For example, if Tiger Woods is getting ready to tee off on the 16th hole, the *event* that might be triggered by the source and sent to the encoder/server 14 might be "Woods tee off on 16th". Herz does not teach or in any way suggest the

1 use of viewer-defined preferences defined in terms of events that can occur
2 within electronic presentations.

3 Hence, for at least this reason the Office has failed to establish a
4 *prima facie* case of obviousness. To this extent, Alexander adds nothing
5 of significance.

6 Accordingly, for at least this reason, this claim is allowable.

7 Claims 2-3, and 5-10 depend from claim 1 and are allowable as
8 depending from an allowable base claim. These claims are also allowable
9 for their own recited features which, in combination with those recited in
10 claim 1, are neither disclosed nor suggested in the references cited and
11 applied by the Office.

12 Claim 11 recites a viewing management method for managing
13 viewing of multiple live electronic presentations, comprising [added
14 language appears in the bold italics]:

- 15
- 16 • simultaneously monitoring two or more electronic
17 presentations that are concurrently broadcast, wherein said
18 monitoring comprises monitoring data that does not
19 comprise content that can be presented to a viewer; and
- 20 • automatically notifying a viewer when one or more of the
21 electronic presentations satisfies a viewer-defined
22 preference, ***wherein viewer-defined preferences can be
23 defined in terms of events that can occur within electronic
24 presentations.***
- 25

22 Claim 11 has been amended to include subject matter similar to that
23 formerly appearing in claim 14 which has been canceled. The amended
24
25

1 language clarifies that viewer-defined preferences can be defined in terms
2 of *events* that can occur within electronic presentations.

3 In making out a rejection of claim 14, the Office relies on
4 Alexander and Herz in much the same way as discussed above regarding
5 claim 1. For the reasons set forth above that pertain to the Office's failure
6 to establish a *prima facie* case of obviousness, this claim is allowable.

7 Claims 12-13, and 15-19 depend from claim 11 and are allowable
8 as depending from an allowable base claim. These claims are also
9 allowable for their own recited features which, in combination with those
10 recited in claim 11, are neither disclosed nor suggested in the references
11 cited and applied by the Office.

12 Claim 20 recites one or more programmable computers having
13 instructions which, when executed by the one or more computers
14 implement a viewing management method for managing viewing of
15 multiple live electronic presentations comprising [emphasis added]:

- 16
17 • sending at least one viewer request to an encoder, the viewer
18 request containing one or more *viewer-defined preferences*
19 *that relate to one or more events that can occur in one or*
20 *more electronic presentations;*
- 21 • evaluating, with the encoder, one or more electronic
22 presentations that are being broadcast to determine whether
23 any of the viewer-defined preferences are satisfied, wherein
24 said evaluating comprises at least monitoring data that does
25 not comprise content that can be presented to a viewer; and
- if a viewer-defined preference is satisfied by one or more of
the electronic presentations, notifying a viewer that is
associated with the viewer-defined preference that was
satisfied.

1 In making out a rejection of claim 20 the Office cites Alexander as
2 disclosing a viewer profile analysis program running at the head end
3 (citing column 29, lines 14-34) that collects user preference data in the
4 form of programming consumed (citing column 29, lines 37-55). Further,
5 the Office states that this "Profile Program" updates data on an ongoing
6 basis (citing column 29, lines 22-24). The Office then argues that this reads
7 on the claimed sending of at least one viewer request to an encoder
8 (Profile Program), the viewer request containing one or more viewer
9 defined preferences (programs watched, favorite genres, etc) that relate to
10 one or more *events* that can occur in one or more electronic presentation
11 (content of the television programming).

12 The excerpts cited by the Office in no way disclose or suggest the
13 use of events as disclosed in the claimed subject matter. The excerpt cited
14 by the Office discloses monitoring the "particular type of theme (e.g.,
15 comedy, sports, drama, movie, sitcom, science fiction, adventure, mystery,
16 documentary, cooking, travel, etc.) . . . [or] particular type of subject (i.e.,
17 golf, tennis, football, basketball, baseball, animals, food, etc,) or a
18 particular actor or actress." (citing Alexander column 29, lines 43-50).

19 The Applicant respectfully submits that a particular theme, subject,
20 or actor as disclosed in Alexander is not the same thing as an event as
21 disclosed in the claimed subject matter. The Applicant's disclosure, as
22 noted above, indicates that an *event* is some *current aspect of the*
23 *electronic presentation*. For example, if Tiger Woods is getting ready to
24 tee off on the 16th hole, the *event* that might be triggered by the source and
25 sent to the encoder/server 14 might be "Woods tee off on 16th". Alexander

1 does not teach or in any way suggest the use of viewer-defined preferences
2 defined in terms of events that can occur within electronic presentations.

3 Additionally, as discussed in claim 1, an attribute as disclosed in
4 Herz is not the same thing as an event as disclosed in the claimed subject
5 matter.

6 Accordingly, Applicant respectfully submits that the Office's stated
7 motivation as well as its line of reasoning do not make out a *prima facie*
8 case of obviousness. Accordingly, for at least these reasons, this claim is
9 allowable.

10 Claims 21-24 depend from claim 20 and are allowable as
11 depending from an allowable base claim. These claims are also allowable
12 for their own recited features which, in combination with those recited in
13 claim 20, are neither disclosed nor suggested in the references cited and
14 applied by the Office.

15 Claim 25 recites a viewing management method for managing
16 viewing of multiple live electronic presentations, comprising [added
17 language appears in the bold italics]:

- 18 • receiving one or more viewer requests from one or more
19 viewers, the viewer requests containing viewer-defined
20 preferences that are to be used to evaluate a plurality of
21 different live electronic presentations;
- 22 • evaluating a plurality of live electronic presentations using
23 the viewer-defined preferences, *wherein the viewer-defined
24 preferences are defined in terms of events that can occur
25 within electronic presentations, and* wherein said evaluating
comprises at least monitoring data that does not comprise
content that can be presented to a viewer; and
- in the event that one or more of the viewer-defined
preferences is satisfied, notifying at least one viewer that is

1 associated with the viewer-defined preference that is
2 satisfied.

3 Claim 25 has been amended. The amended language clarifies that
4 viewer-defined preferences are defined in terms of *events* that can occur
5 within electronic presentations.

6 In making out a rejection of claim 25, the Office relies on
7 Alexander and Herz in much the same way as discussed above regarding
8 claim 1. For the reasons set forth above that pertain to the Office's failure
9 to establish a *prima facie* case of obviousness, this claim is allowable.

10 Claims 26-33 depend from claim 25 and are allowable as
11 depending from an allowable base claim. These claims are also allowable
12 for their own recited features which, in combination with those recited in
13 claim 25, are neither disclosed nor suggested in the references cited and
14 applied by the Office

15 Claim 34 recites a viewing management method for managing
16 viewing of multiple live electronic presentations, comprising [added
17 language appears in bold italics]:

- 18
- 19 • creating a viewer request that contains one or more viewer-
20 defined preferences for use in evaluating one or more live
21 electronic presentations;
 - 22 • sending the viewer request to one or more computing
23 devices; and
 - 24 • evaluating one or more electronic presentations with the one
25 or more computing devices in light of the one or more
viewer-defined preferences, ***wherein the viewer-defined
preferences can be defined in terms of events that can
occur within electronic presentations, and*** wherein said
evaluating comprises at least monitoring data that does not
comprise content that can be presented to a viewer.

1
2 Claim 34 has been amended to include the subject matter of claim
3 38 which has been canceled. The amended language clarifies that viewer-
4 defined preferences are defined in terms of *events* that can occur within
5 electronic presentations.

6 In making out a rejection of claim 38, similar subject matter of
7 which is now included in claim 34, the Office relies on Alexander and
8 Herz in much the same way as discussed above regarding claim 1. For the
9 reasons set forth above that pertain to the Office's failure to establish a
10 *prima facie* case of obviousness, this claim is allowable.

11 Claims 35-37 and 39-40 depend from claim 34 and are allowable
12 as depending from an allowable base claim. These claims are also
13 allowable for their own recited features which, in combination with those
14 recited in claim 34, are neither disclosed nor suggested in the references
15 cited and applied by the Office.

16 Claim 41 recites an interactive network comprising [added
17 language appears in the bold italics]:

- 18
- 19 • one or more client viewing devices; and
 - 20 • one or more computing devices communicatively linked
21 with the one or more client viewing devices, the computing
22 devices being programmed to:
 - 23 ○ simultaneously monitor one or more electronic
24 presentations that are concurrently broadcast by at
25 least monitoring data that does not comprise content
that can be presented to a viewer; and
 - automatically send a notification to one or more of the
client viewing devices when one or more of the
electronic presentations satisfies one or more viewer-
defined preference that is defined by a viewer of the

one or more client viewing devices, *wherein the viewer-defined preferences are defined in terms of events that can occur within electronic presentations.*

Claim 41 has been amended to clarify that viewer-defined preferences are defined in terms of *events* that can occur within electronic presentations.

For the reasons set forth in claim 1 that pertain to the Office's failure to establish a *prima facie* case of obviousness, this claim is allowable.

Claims 42 and 43 depend from claim 41 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 41, are neither disclosed nor suggested in the references cited and applied by the Office.

Claim 44 recites a viewing management method for managing viewing of multiple live electronic presentations, comprising [emphasis added]:

- monitoring viewing habits of one or more viewers of live electronic presentations to determine particular *events* within the electronic presentations that the viewers are likely to want to view;
- ascertaining from data that does not comprise content that can be presented to a viewer, whether said one or more viewers would likely want to view a particular *event*; and
- notifying one or more viewers when it appears that an *event* is occurring within an electronic presentation that the viewer is not viewing but would likely want to view.

1 In making out a rejection of claim 44 the Office relies on Alexander
2 in much the same way as discussed above regarding claim 20. For the
3 reasons set forth above in claim 20 that pertain to the Office's failure to
4 establish a *prima facie* case of obviousness, this claim is allowable.

5 Claims 45-51 depend from claim 44 and are allowable as
6 depending from an allowable base claim. These claims are also allowable
7 for their own recited features which, in combination with those recited in
8 claim 44, are neither disclosed nor suggested in the references cited and
9 applied by the Office.

10 Claim 52 recites an interactive network comprising [emphasis
11 added]:

- 12
- 13 • one or more client viewing devices; and
- 14 • one or more computing devices communicatively linked
15 with the one or more client viewing devices, the computing
16 devices being programmed to:
 - 17 ○ monitor viewing habits of one or more viewers of live
18 electronic presentations to determine particular *events*
19 within the electronic presentations that the viewers are
20 likely to want to view;
 - 21 ○ ascertain from data that does not comprise content
22 that can be presented to a viewer, whether said one or
23 more viewers would likely want to view a particular
24 *event*; and
- 25 • notify one or more viewers when it appears that an *event* is
occurring within an electronic presentation that the viewer is
not viewing but would likely want to view.

23 In making out a rejection of claim 52 the Office relies on Alexander
24 in much the same way as discussed above regarding claim 20. For the
25

1 reasons set forth above in claim 20 that pertain to the Office's failure to
2 establish a *prima facie* case of obviousness, this claim is allowable.

3 **Claims 53 and 54** depend from claim 52 and are allowable as
4 depending from an allowable base claim. These claims are also allowable
5 for their own recited features which, in combination with those recited in
6 claim 52, are neither disclosed nor suggested in the references cited and
7 applied by the Office.

8 **Claim 55** recites a user interface for use in an interactive
9 entertainment system comprising [added language appears in the bold
10 italics]:

- 11
- 12 • a processor;
- 13 • an application executing on the processor and configured to
- 14 present plurality of fields, one of which displaying a number
- 15 of titles of programs that can be selected by a viewer,
- 16 another of which displaying indicia that can be selected to
- 17 define viewer preferences for simultaneously monitoring two
- 18 or more of the programs that are selected by the viewer,
- 19 wherein said monitoring comprises monitoring at least data
- 20 that does not comprise content that can be presented to the
- viewer, *and which comprises events that can occur within*
said two or more programs; and
- 21 • an input device operable to enable a user to select a
- 22 particular electronic presentation for continuous play
- 23 viewing.

21 **Claim 55** has been amended to clarify that viewer-defined
22 preferences are defined in terms of *events* that can occur within said two or
23 more programs.

24 For the reasons already set forth, this claim is allowable.
25


1 **Claims 56 and 57** depend from claim 55 and are allowable as
 2 depending from an allowable base claim. These claims are also allowable
 3 for their own recited features which, in combination with those recited in
 4 claim 55, are neither disclosed nor suggested in the references cited and
 5 applied by the Office.

6
 7 **Conclusion**

8 All of the claims are in condition for allowance. Accordingly,
 9 Applicant requests a Notice of Allowability be issued forthwith. If the
 10 Office's next anticipated action is to be anything other than issuance of a
 11 Notice of Allowability, Applicant respectfully requests a telephone call for
 12 the purpose of scheduling an interview.

13
 14 Respectfully submitted,

15
 16 Dated: 7/21/05

17 By: 
 18 Lance R. Sadler
 19 Reg. No. 38,605
 20 (509) 324-9256